

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

UNITED STATES OF AMERICA,

Plaintiff,

v.

Case No. 12-CR-190

KAMEL M. KHATIB,

Defendant.

ORDER FOR COMMITMENT

On September 11, 2012, a grand jury sitting in the Eastern District of Wisconsin returned an Indictment charging the defendant, Kamel M. Khatib, with receiving firearms while under indictment for a felony in violation of 18 U.S.C. §§ 922(n) and 924(a)(1)(D). The case was originally set for trial to commence on January 7, 2013, but due to delay resulting from Khatib's discharge of his retained counsel and substitution of new counsel, the trial was rescheduled for April 16, 2013. After grounds for questioning Khatib's competency to proceed were raised by the Government and joined in by the defense, the court ordered an evaluation on April 3, 2013, and the case was removed from the trial calendar. On May 1, 2013, Dr. Kevin Miller, a psychologist appointed by the court, issued his report in which he concluded that Khatib suffered from untreated Bipolar Disorder and as a result was unable to assist in his own defense. Dr. Miller also concluded that Khatib would likely regain his competency with medication and treatment.

On May 8, 2013, the court conducted a hearing on the issue. Counsel agreed with Dr. Miller's report and waived further hearing. Accordingly, and based upon the foregoing and the

report of Dr. Kevin Miller, the court finds by a preponderance of the evidence that the defendant is presently suffering from a mental disease or defect rendering him mentally incompetent to the extent that he is unable to assist properly in his defense. Based upon this finding,

IT IS HEREBY ORDERED that the defendant is hereby committed to the custody of the United States Attorney General. The Attorney General shall hospitalize the defendant for treatment in a suitable facility:

(1) for such a reasonable period of time, not to exceed four months, as is necessary to determine whether there is a substantial probability that in the foreseeable future he will attain the capacity to permit the trial to proceed; and

(2) for an additional reasonable period of time until--

(A) his mental condition is so improved that trial may proceed, if the court finds that there is a substantial probability that within such additional period of time he will attain the capacity to permit the trial to proceed; or

(B) the pending charges against him are disposed of according to law;

whichever is earlier.

IT IS FURTHER ORDERED that when the director of the facility in which the defendant is hospitalized determines that the defendant has recovered to such an extent that he is able to understand the nature and consequences of the proceedings against him and to assist properly in his defense, he shall promptly file a certificate to that effect with the Clerk of the Court for this district.

Dated this 8th day of May, 2013.

s/ William C. Griesbach

William C. Griesbach, Chief Judge
United States District Court